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No. 99–1178

IN THE

Supreme Court of the United States

SOLID WASTE AGENCY OF NORTHERN COOK COUNTY,

Petitioner,

v.

UNITED STATES ARMY CORPS OF ENGINEERS, ET AL.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

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BRIEF FOR THE STATE OF ALABAMA AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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STATEMENT OF *AMICUS* INTEREST

The State of Alabama, it should come as no surprise, takes seriously its obligation to ensure that the wildlife and wetlands its residents enjoy today remain preserved, if not indeed improved, for future generations. The people of the State demand no less.

The residents of other States share this view, as the actions of their State and local governments well attest. The States have been anything but idle in acting as responsible guardians over these essential environmental matters. *See* Appendix. Whether securing the interests of future bird watchers, future hunters, or myriad interest groups in between, the States have been diligent in protecting both interstate and intrastate wildlife and the diverse habitats they need to survive.

Why, then, does Alabama support a challenge to the migratory bird rule, whose only offense is one of jurisdiction and not of substance? In the State's view, it is precisely such well-meaning measures that risk destroying an even-greater heritage that today's government leaders have a duty to preserve and pass on—the unique benefits of divided and dispersed government. A national power to regulate in this area is not only a power to preempt but also a power to confuse. Once obtained, federal jurisdiction over these matters would authorize a federal agency to preempt all manner of local measures, thereby destroying the creative and sometimes competitive efforts of States to develop more progressive initiatives, while at the same time authorizing even the most well-intentioned federal agency to sow confusion in the people over who has plenary accountability regarding these local land-use matters. One need not be a student of, or participant in, government for long to recognize the risks of clouding responsibility over a public policy issue. Irresponsible officials like nothing more than a lack of accountability for their actions; and responsible officials have no use for policy

initiatives that they cannot control and ultimately assume well-deserved credit for developing.

It is not lost on the State that judicially enforcing these requirements of American federalism comes with a short-term cost. Congressional efforts to protect religious liberties, *City of Boerne v. Flores*, 521 U.S. 507 (1997), to regulate guns in the vicinity of schools, *United States v. Lopez*, 514 U.S. 549 (1995), to regulate the disposal of nuclear waste, *New York v. United States*, 505 U.S. 144 (1992), to provide money-damages relief for overtime work, *Alden v. Maine*, 527 U.S. 706 (1999), and to provide civil remedies for victims of gender violence, *United States v. Morrison*, 120 S. Ct. 1740 (2000), all have been reined in by the constitutionally-required balance between the dual sovereigns and the enduring check of judicial review. Yet, it is worth emphasizing, not one public-policy vacuum has emerged in any of these areas in the aftermath of these decisions. Nor does any such problem loom on the horizon. All that has become clear is that the States and their local governments retain primary initial authority over these areas, a development that ensures local accountability and what comes with it—the best long-term prospects for responsible government. Neither does a single one of these decisions permanently remove the federal backstop. Whether under section 5 of the Fourteenth Amendment or the Commerce Clause, the National Government remains available for matters that are truly national in scope at the outset or that become so if and when the States reveal an inability to handle them.

"Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991). The libertarian objective of the Framers after all was to "split

the atom of sovereignty," *Saenz v. Roe*, 526 U.S. 489, 504 n.17 (1999) (quoting *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 838 (1995) (Kennedy, J., concurring)), not to multiply it. While it is assuredly difficult to uphold this federalist abstraction—even when it is the Framers' abstraction—in the face of concrete laws to remove guns from schools, to remedy gender violence or to protect migratory birds, it is doubtful whether any other branch of government is equipped to do so. For the purpose of advancing these views and of developing them further, the State of Alabama respectfully submits this *amicus curiae* brief for the Court's consideration.

SUMMARY OF ARGUMENT

1. In promulgating the migratory bird rule, the Army Corps of Engineers assumed a power that Congress did not delegate to it. When it passed the Water Pollution Control Act of 1972 (the Clean Water Act), Congress gave the Corps authority to regulate just "navigable" "waters of the United States." 33 U.S.C. § 1344, 1362(7). Settled interpretations of "navigable waters," statutory context, and vital presumptions against legislatively altering the Federal-State balance all confirm that the Corps' regulatory authority under the Clean Water Act extends to waters that are in actuality navigable, that would be navigable with modest effort, or that are close to or support such waters.

The migratory bird rule, as applied to remote, man-made ponds ranging from a few inches to a few feet deep, vastly exceeds this delegation of authority. In deciding that it could enforce its permitting requirement for discharges into any body of water that is or could become a habitat for migratory birds, the Corps took on a range of authority that it is doubtful any prior agency has tried to shoulder before. As most homeowners know, migratory birds may land just about anywhere and for any reason. Under the Corps' rule, it follows, all one needs is a backyard depression or the smallest of ponds to attract such birds in spring or fall, through no

particular effort by the homeowner, and potentially to violate a criminal law the next time grass clippings or leaves are inadvertently dumped there. An attempt to delegate such sweeping authority must be clearly stated. It was not, and the rule accordingly exceeds the Corps' authority.

2. In the event Congress did in fact to delegate this astonishing authority to the Corps, the National Legislature overstepped its commerce power in doing so. An effort to regulate every isolated, temporary collection of water in the country has far too distant a connection to national commerce to be treated as a permissible regulation of intrastate activities that substantially affect interstate commerce. Every measure of constitutional excess appears in full force here.

No congressional findings, as an initial matter, support the claim that the activity substantially affects interstate commerce. From all that appears in the legislative record, Congress never discussed or seemed to have any sense that it was asserting this unique authority. Nor may after-the-fact justifications for this assumption of power (*i.e.*, bird watchers and hunters travel in and support interstate commerce) correct this deficiency. They are precisely the kinds of attenuated connections to national commerce that the Court has rejected in the past because they have no limiting principle and would convert the Federal Government from one of limited to one of uncontained powers. The interstate justifications for asserting power (bird watching and hunting) also are non-economic in nature—a type of justification that the Court has never accepted in this area before. The law, moreover, does not contain a limiting interstate-jurisdictional element. And, as with *Lopez* and *Morrison*, the law attempts to regulate an area traditionally covered by the States general police powers. In the last analysis, while Congress may well possess power to regulate many of the activities it attempted to regulate here, it failed to employ constitutionally acceptable means in this instance.

ARGUMENT

At the outset, it may be useful to clarify the parameters of dispute. Neither Alabama as *amicus curiae* nor petitioner argues that the Constitution's limited and enumerated powers disable Congress from regulating wetlands in general or migratory birds in particular. On the contrary, the National Legislature has broad powers at its disposal to do so; they simply were not permissibly invoked in this instance. Congress may, for example, use its carrot-and-stick Spending Clause powers to regulate migratory birds and wetlands. *See North Dakota v. United States*, 460 U.S. 300, 309 (1983) ("The protection of migratory birds has long been recognized as 'a national interest of very nearly the first magnitude.'") (quoting *Missouri v. Holland*, 252 U.S. 416, 435 (1920)). It may use its uniquely wide-ranging Treaty Clause powers, which have in fact been properly invoked to regulate migratory birds. *See Missouri v. Holland*, 252 U.S. at 430-31, 435. And, most customarily, it may use its broad Commerce Clause powers to regulate waters that in fact flow interstate or are reasonably connected to such waters, or likewise may do so with regard to commercial transactions involving animals. *See Andrus v. Allard*, 444 U.S. 51, 63 n.19 (1979) (the "assumption that the national commerce power does not reach migratory wildlife is clearly flawed").

Not one of these legitimate powers, however, was legitimately invoked here. And, for that reason, the migratory-bird rule must be invalidated—either because it exceeds the regulatory authority properly delegated to the Army Corps of Engineers or because as applied it exceeds Congress's authority. In either event, neither the most ardent bird-watcher nor the most aggressive hunter need be alarmed. Not only have the States understandably shown the utmost solicitude in protecting these interests, *see* Appendix, but Congress continues to have broad means at its disposal to reach these important ends.

I. The Clean Water Act Does Not Give The Corps Authority To Regulate Isolated, Intrastate Waters Merely Because They Provide A Potential Or Actual Habitat For Migratory Birds.

A careful review of the terms of the Clean Water Act together with its legislative record confirm what a brief glance at the two suggest: Congress did not engage in the debate that the Court is officiating now. At no point did the National Legislature offer any meaningful indication that the Act would delegate such free-ranging authority to the Corps, and at no point did Congress consider the constitutional implications of permitting an agency to regulate every remote intrastate body of water where birds do or may alight.

Consider initially the text of the Clean Water Act. It just gives the Corps jurisdiction over "navigable waters," 33 U.S.C. § 1344, a grant of authority that hardly suggests a desire to regulate the shallowest and most temporary of intrastate ponds. Lewis would never have directed Clark to meet him at the first "navigable water," then looked for him at every passing pond. The phrase of course suggests just the opposite, as case after case construing "navigable waters" has indicated in a series of decisions announced by this Court before Congress enacted the Clean Water Act. *See, e.g., Utah v. United States*, 403 U.S. 9, 11 (1971); *Railroad Co. v. Maryland*, 88 U.S. 456, 470 (1874); *The Daniel Ball*, 77 U.S. 557, 563 (1870) ("navigable waters" refers to waters that "are navigable in fact" and that are "susceptible of being used, in their ordinary condition, as highways for commerce"); *see also United States v. Appalachian Elec. Power Co.*, 311 U.S. 377, 407 (1940) (indicating that phrase covers not only waters that are navigable in fact but also that could reasonably be made navigable through improvements). When "judicial interpretations have settled the meaning of an existing statutory provision," it has long been clear, "repetition of the same language in a new statute indicates, as a general matter,

the intent to incorporate its administrative and judicial interpretations as well." *Bragdon v. Abbott*, 524 U.S. 624, 645 (1998). This time-tested principle of interpretation cannot co-exist with the Corps' utterly-novel and exceedingly-expansive construction.

Neither does the Act's definition of the phrase "navigable waters" fairly advance the Federal Government's position. It says that the phrase covers the "waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7). The definitional phrase ultimately suggests three readings of "navigable waters," only one of which makes interpretive sense. One, the phrase could cover any "water" in the country at all, from Lake Erie to a backyard bird bath. Two, the phrase could mean whatever the Constitution permits, which is to say it reaches the full extent of Congress's Commerce Clause powers—a line that does not pick up dead-on-arrival hypotheticals, just whatever else the Court (as opposed to Congress) decides. Three, the phrase could cover waters of the United States that are navigable in fact, that could be navigable with reasonable modification or that are reasonably connected to such waters.

The first possibility is undoubtedly an untenable one. It would read the most conspicuous jurisdictional term in the statute—"navigable"—out of the provision entirely, and would certainly raise grave and doubtful questions concerning the constitutionality of this essential piece of national legislation. *See Jones v. United States*, 120 S. Ct. 1904, 1911 (2000).

The second possibility—jurisdiction extends to whatever the Court permits—suffers from some of these problems, and more. It, too, removes "navigable" from the interpretive question. That not only violates the above interpretive principles but conventions of everyday speech as well. A definition clarifies or limits a phrase; it does not dramatically expand the phrase. This interpretation also destroys any presumption of constitutionality. No branch of government

deserves respect over an inquiry—here the reach of Commerce Clause authority—that it consciously refused to make in the first instance. This interpretation also violates the cardinal rule that "unless Congress conveys its purpose clearly, it will not be deemed to have significantly changed the federal-state balance." *United States v. Bass*, 404 U.S. 336, 349 (1971). The Federal Government seeks here exactly the opposite presumption: When Congress is silent about the jurisdictional reach of a statute over local matters, or at most speaks inscrutably about it, the legislature wishes the Court to assume that everything Congress may do, it in fact did. And this interpretation fails to respect Congress's very own proclamation in the statute. "It is the policy," the statute says, "of Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan the development and use . . . of land and water resources." 33 U.S.C. § 1251(b).

That leaves the third and most straightforward interpretation. Consistent with prior constructions of the relevant terms and consistent with the above interpretive rules, the Corps' jurisdiction remains linked to waters that are "navigable" and are "of the United States," which includes waters that are navigable in fact, that may be navigable with reasonable effort or that are reasonably connected to either of the two. This respects all of the words in the statute, comports with each of the above rules of interpretation, and avoids a serious constitutional question. *See Jones,* 120 S. Ct. at 1911.

Nor does *Chevron* deference apply here. *See Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). The statutory ambiguity that triggers administrative deference comes at the end, not the beginning, of the statutory inquiry—which is to say, *after* the application of the above rules of statutory construction. *See Chevron*, 467 U.S. at 843 n.9. Applied here, those rules eliminate the discretion-giving ambiguity that lends *Chevron* force. More

than that, *Chevron* cannot tenably be applied in this sensitive area of Federal-State authority. It is one thing to assume that the States protect their interests in the Halls of Congress when this National body legislates explicitly, *see Garcia v. San Antonio Metro. Transit Auth.*, 469 U.S. 528 (1985); it is quite another to maintain this assumption when Congress legislates beneath the radar of reasonable scrutiny, leaving it to the whim of an executive branch agency to seize authority when and where it wishes. Administrative deference in this area would give *Chevron* deference a bad name. This rule should not be upheld.

II. The Regulation Exceeds Congress's Commerce Clause Powers.

The initial statutory inquiry not only avoids a serious constitutional question but also fatal one. While the Court has taken many interpretive turns in ascertaining the amount of intrastate commercial activity that will suffice to permit congressional lawmaking in this area, it has never construed the Commerce Clause to include a general police power over local crimes, local torts, local family law or local zoning and land-use matters. The Court should not do so here.

The Court has construed the Commerce Clause to permit regulation of three types of commercial activity: (1) the use of the channels of interstate commerce; (2) the instrumentalities of, or persons or things in, interstate commerce; and (3) other activities that "substantially affect" interstate commerce. *United States v. Lopez*, 514 U.S. 549, 557-59 (1995). It appears to be common ground that the bird rule is not covered by the first two safe harbors. As to the last inquiry, the Court has considered at least five factors in assessing whether regulated conduct substantially affects interstate commerce. Not one of them, however, is satisfied in this instance.

First, whether in upholding federal legislation or in invalidating it, the Court has long stood by the rudimentary principle that Congress's commerce powers are not unlimited. As a matter of first principles, the Constitution creates a Federal Government of enumerated powers, all of which—the commerce clause included—are "subject to outer limits." *Lopez*, 514 U.S. at 557. An unwavering line of precedents confirms the Court's steadfast adherence to this modest but foundational principle:

* "It is not intended to say that these words comprehend that commerce, which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. . . . Comprehensive as the word "among" is, it may very properly be restricted to that commerce which concerns more States than one. . . . The enumeration presupposes something not enumerated; and that something, if we regard the language or the subject of the sentence, must be the exclusively internal commerce of a State." *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 194-95 (1824).

* The clause does not "obliterate the distinction between what is national and what is local and create a completely centralized government." *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 37 (1937).

* "The question is necessarily one of degree," and the clause applies to those intrastate activities that "have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from burdens and obstructions." *Id.* at 37-38.

* "The activities that are beyond the reach of Congress are 'those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the

general powers of the government.'" *Katzenbach v. McClung*, 379 U.S. 294, 302 (1964) (quoting *Gibbons*, 22 U.S. (9 Wheat.) at 195).

* "[T]he power to regulate commerce, though broad indeed, has limits" which "the Court has ample power" to enforce. *Maryland v. Wirtz*, 392 U.S. 183, 196 (1968), *over'd on other grounds*, *National League of Cities v. Usery*, 426 U.S. 833 (1976), *over'd Garcia v. San Antonio Metro. Transit Auth.*, 469 U.S. 528 (1985).

* "No one disputes the proposition that the Constitution created a Federal Government of limited powers." *New York v. United States*, 505 U.S. 144, 155 (1992) (quotation omitted).

* "To uphold the Government's contentions here, we would have to pile inference upon inference in a manner that would bid fair to convert congressional authority under the Commerce Clause to a general police power of the sort retained by the States." *Lopez*, 514 U.S. at 567.

* "[T]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State government are numerous and indefinite." *Lopez*, 514 U.S. at 552 (quoting *The Federalist Papers* No. 45 (J. Madison)).

* The Constitution preserves the basic "distinction between what is truly national and what is truly local." *United States v. Morrison*, 120 S. Ct. at 1754.

Accordingly, the Federal Government may not justify an exercise of its commerce powers on a "rationale[ ]" that "would . . . authorize a general federal police power." *Lopez*, 514 U.S. at 564. As with other constitutional claims, a law cannot be justified by a governmental "interest" "[t]hat is precisely what" the constitutional provision at issue "forbids." *R.A.V. v. City of St. Paul*, 505 U.S. 377, 396 (1992). *See*

United States v. O'Brien, 391 U.S. 367, 377 (1968) (asserted "governmental interest [must be] unrelated to the suppression of free expression").

The migratory bird rule plainly does not comport with this first prerequisite for sustaining an exercise of Congress's commerce powers. The rule has no limiting principle, and as the facts of this case suggest it permits the Corps to regulate classically local matters, even residential property, virtually whenever it pleases. Any distinction between matters that are truly national and those that are truly local evaporates under this novel assertion of authority. *See Morrison, supra.*

Second, consistent with the economic-sounding terms of the Commerce Clause, the Court has only sustained federal regulation of intrastate activities in the setting of commercial activities. As *Morrison* confirmed just last Term: "[T]hus far in our Nation's history our cases have upheld Commerce Clause regulation of intrastate activity only where that activity is economic in nature." *Morrison*, 120 S. Ct. at 1751.

This, too, is an unyielding shortcoming of the migratory bird rule. Regulating any collection of water that is or may become a habitat for migratory birds—for the purpose of allowing bird watchers and hunters to pursue their hobbies no less—simply does not amount to commerce in any traditional sense of the word. The Court has never crossed this line before. No reasoned explanation has been offered for doing so here.

Third, the Court has asked whether the regulated activity concerns an area in which the States have traditionally exercised plenary authority under their general police powers. Land use and zoning laws, it is clear, properly have long been a local, not a national, lawmaking prerogative.

Much as the laws at issue in *Morrison* and *Lopez* covered areas traditionally regulated at the local level—schools, crime and family law—so too the Corps seeks to assert jurisdiction

over an area that is uniquely a matter of local oversight. The "regulation of land use," the Court has repeated, "is perhaps the quintessential state activity," *FERC v. Mississippi*, 456 U.S. 742, 767 (1982), is "traditionally a function performed by local governments," *Lake Country Estates, Inc. v. Tahoe Regional Planning Agency*, 440 U.S. 391, 402 (1979), and is "peculiarly within the province of state and local legislative authorities," *Warth v. Seldin*, 422 U.S. 490, 508 n.18 (1975). *See also Berman v. Parker*, 348 U.S. 26 (1954); *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926). This factor also favors striking the rule.

Fourth, the Court has inquired whether the law contains a jurisdictional element, which cabins its reach to conduct that has "an explicit connection with or effect on interstate commerce." *Morrison*, 120 S. Ct. at 1750-51; *Lopez*, 514 U.S. at 562. Neither the Clean Water Act nor the migratory bird rule has any such limitation.

Fifth, while the Court has not ceded to Congress the ultimate authority to determine the reach of its commerce powers, the Court always asks whether congressional findings support the government's claim that the regulated conduct has a substantial effect on interstate commerce. *Lopez*, 514 U.S. at 562. No such findings, however, appear here. As in *Lopez*, the legislative record clangs with silence regarding the constitutional justification for passing this all-encompassing law. Nowhere in the text of the Clean Water Act or the legislative record is there the slightest indication that Congress contemplated the possibility of regulating any and all bodies of water, no matter how remote or attenuated the connection to navigable waters, that are or may become migratory-bird habitats.

Every factor the Court has considered before in gauging the validity of an exercise of commerce power counsels against upholding the migratory bird rule. It has no limiting principle. It is based on an ostensible interstate connection that is non-

commercial and non-economic. It concerns an eminently local activity—land use and zoning. It does not contain a confining jurisdictional element. And it contains not a single congressional factfinding that would reasonably support this assertion of authority. In these respects, the rule is more far-reaching than the laws invalidated in *Lopez* and *Morrison*. It deserves a similar fate.

* * *

Nor, we respectfully submit, would a decision to invalidate the migratory bird rule dishonor the inter-branch imperative that the Court accord a respectful presumption of constitutionality to the actions of the political branches—here to the views of Congress and the Army Corps of Engineers. That presumption of constitutionality, it bears emphasis, runs in two directions on occasions like this one. In controversies over the constitutional lines of authority between one politically-accountable branch and another, the Court customarily engages in zero-sum decisionmaking. One side's loss invariably becomes the other's gain. Take, for example, a horizontal separation-of-powers dispute between Congress and the President. Both deserve deference in obeying their oaths to follow the Constitution, and neither has a greater claim to the benefit of constitutional doubt than the other. The same is true of vertical separation-of-powers disputes. When the national government and local governments square off over the reach of their respective powers, Congress's aggrandizement of power customarily leads to a diminution of local power. And the opposite, of course, is true. One simply cannot give Congress the presumption of interpreting the Constitution correctly without slighting the States' capacity to do the same. It is, in short, no more aggressive to deny Congress's assertion of authority than it is an act of judicial restraint to respect a State's traditional constitutional prerogative in that same area.

CONCLUSION

For the foregoing reasons, the decision of the court of appeals should be reversed.

Respectfully submitted,

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APPENDIX

	ALABAMA	ALASKA
WETLANDS STATUTES	Code of Alabama: § 9-7-10 (1977) (Definitions) § 9-9-5 (1977) (Establishment of district) § 41-10-235 (1991) (Commemorative markers and plaques) Constitutional Amendments: Ala. Const. Amend. No. 543 (1993)	ALASKA STAT.: § 41.21.522 (Michie 1998) (Acquisitions) § 16.20.034 (Michie 1998) (Wetlands game refuge) § 41.17.950 (Michie Supp. 1999) (Definitions) § 41.21.518 (Michie 1998) (Establishment of wetlands management area) § 41.21.520 (Michie 1998) (Incompatible uses)

	ALABAMA	ALASKA
MIGRATORY BIRD STATUTES	Code of Alabama: § 9-11-244 (1997) (Taking of protected birds) § 9-11-430 (1997) (Preservation of wetlands and migratory waterfowl – definitions) § 9-11-431 (1997) (Construction of article) § 9-11-432 (Supp. 1999) (Stamp requirement for hunting migratory fowl) § 9-11-433 (Supp. 1999) (Issuance of stamp) § 9-11-434 (1997) (Revenue used in preservation of wetlands for migratory fowl) § 9-11-435 (1997) (Requirements for approving projects outside U.S.)	ALASKA STAT.: § 16.20.039 (Michie 1998) (Migratory waterfowl refuge)

	ARKANSAS	CALIFORNIA
WETLAND STATUTES	ARK. CODE ANN.: § 15-20-207 (Michie 1987) (Soil & Water Conservation Commission powers and duties) § 15-20-310 (Michie 1987) (Environmental Quality Act – acquisition of natural areas) § 15-20-705 (Michie 1987) (Scenic Resources Act – duties of agencies) § 15-20-802 (Michie 1987) (Soil & Water Conservation Commission Pooled Loan Securitization Act) § 15-21-501 (Michie 1987) (State Land Information Board – purpose)	CAL FISH & G. CODE: § 1386 (West 1998) (Riparian Habitat Conservation program) §§ 1410-1431 (West 1998) (Inland Wetlands Conservation Program Art. 1-3) §§ 1776-1796 (West 1998) (Sacramento-San Joaquin Valley Wetlands Mitigation Bank Act of 1993) § 2620 (West 1998)(Habitat Enhancement Program) §§ 2785-2786 (West 1998) (California Wildlife Protection Act of 1990)

	ARKANSAS	CALIFORNIA
	§ 15-22-1001 (Michie 1987) – § 15-22- 1012 (Michie 1987) (Wetlands Mitigation Bank Act) § 15-57-409 (Michie 1987) (Reclamation of land) §§ 26-51-1502 (Michie 1987) - 26-51-1506 (Michie 1987) (Private Wetland & Riparian Zone Creation & Incentive) Acts 1993, No. 150, § § 1-9 (Historical Notes) Acts 1995, No. 1224 (Historical Notes)	CAL GOV. CODE: §65081.3 (West 1997) (Transportation planning and programming) §§ 66602.1 – 66682 (West 1997) (San Franciso Bay Wetlands) § 66907.12 (West 1997)(California Tahoe Conservancy) § 67675 (West 1997) (Fort Ord Reuse Authority) CAL. HARB & NAV. CODE: § 523 (West 2000 Supp.) (Removal of vessel from public waterway) § 1720 (West 2000 Supp.) (Port facility construction)

	ARKANSAS	CALIFORNIA
		CAL. HEALTH & SAFETY CODE: § 25270.5 (West 1999) (Storage of Petroleum – Inspection schedule) § 25270.11(West 1999) (Environmental Trust Fund) § 33492.93 (West 1999) (Mare Island Redevelopment Project Area) § 44470 (West 1996) (Halogenated Refrigerants) CAL. PUB.RES.CODE: § 5096.139 (West 1984) (Nejedly-Heart State, Urban, and Coastal Park Bond Act of 1976)

	ARKANSAS	CALIFORNIA
		§ 5096.197 (West 1984) (California Parklands Act of 1980) § 5096.310 (West Supp. 2000) (Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 – Creation and use) § 5096.347 (West Supp. 2000) (Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 – Sierra Nevada-Cascade Mountain Region) § 5096.350 (West Supp. 2000.) (Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 –Wildlife Program)

	ARKANSAS	CALIFORNIA
		§ 5096.352 (West Supp. 2000) (Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000-Coastal Protection Program) § 5096.357 (West Supp. 2000) (Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000-Fish and Game Program) §§ 5810-5818 (West 1984) (Wetlands Protection Act) § 5850 (West Supp. 2000) (San Francisco Bikeway System)

	ARKANSAS	CALIFORNIA
		§§ 5902, 5907, 5929 (West Supp. 2000) (California Wildlife, Coastal, and Park Land Conservation Act – Definitions, Expenditure of funds, Wetlands acquisition) § 6008 (West Supp. 2000) (Restriction on sale of right to use state-owned lands in Humbolt Bay) § 6890 (West Supp. 2000) (Permits and leases on state lands other than tide and submerged lands) § 8601 (West Supp. 2000) (Kapiloff Land Bank Act – Definitions) § 8602 (West Supp. 2000) (Kapiloff Land Bank Act – Legislative findings and declarations)

	ARKANSAS	CALIFORNIA
		§ 8613 (West Supp. 2000) (Kapiloff Land Bank Act – Wetlands acquisition) § 21080.23 (West Supp. 2000) (Environmental Quality – Pipeline project) § 26403 (West 1996) (Energy and Resources Fund – Programs eligible for funding) §§ 29002 – 29501 (West 1996) (Suisun Marsh Preservation Chapters 1,2, and 5)* § 30116 – 30607.1(West 1996) (California Coastal Act)

* This statute contains information on both "Wetlands and Migratory Waterfowl"

	ARKANSAS	CALIFORNIA
		§ 31006 (West Supp. 2000) (State Coastal Conservancy – Coastal zone) § 31162 (West 1996) (San Francisco Bay Area Conservancy Programs – Goals) §31354 (West 1996) (State Coastal Conservancy-Establishment) § 32023 (West 1996) (California Urban Waterfront Area Restoration Financing Authority Act – Definitions – Coastal zone) § 35031 (West Supp. 2000) (Coastal County and City Offshore Energy Assistance)

	ARKANSAS	CALIFORNIA
		CAL. WATER CODE: § 1707 (West Supp. 2000) (Change for purposes of preserving or enhancing wetlands) § 10633 (West Supp. 2000) (Urban Water management Plans – Content of plans) § 12565 (West Supp. 2000) (Colorado River Management Program) §12929.26 (West 1992) (Environmental Water Act of 1989 – Purposes eligible for funding) § 13142.5 (West Supp. 2000) (State Policy for Water Quality Control – Coastal Marine Environment)

	ARKANSAS	CALIFORNIA
		§ 13576 (West Supp. 2000) (Water Recycling Act of 1991) §§ 14906-14907 (West Supp. 2000) (San Joaquin Valley Drainage Relief Act) §§ 78500.4, 78684 (West Supp. 2000) (Safe, Clean, Reliable Water Supply Act – Objectives and Definitions) §§ 79080 – 79104.104 (West Supp. 2000) (Watershed Protection Program) CAL. WATER CODE APP.: § 43-26-1 (West Supp. 2000) (San Bernardino County Flood Control Act)

	ARKANSAS	CALIFORNIA
		§ 48-12 (West Supp. 2000) (Riverside County Flood Control and Water Conservation District Act) § 49-3.5 – § 49-36.5 (West Supp. 2000) (San Luis Obispo County Flood Control and Water Conservation District Act) § 136-61 (West Supp. 2000) (Antelope Valley Storm Water Conservation and Flood Control District)
MIGRATORY BIRD STATUTES	ARK. CODE ANN.: § 5-73-130 (Michie 1987) (Unlawful for guide of persons hunting migratory birds to carry a gun) § 15-41-105 (Michie 1987) (Programs for migratory waterfowl)	CAL FISH & GAME CODE: § 307 (West 1998)(Bag and possession limits) §§ 355-357 (West 1998) (Regulations pertaining to migratory birds)

	ARKANSAS	CALIFORNIA
	§ 15-42-104 (Michie 1987) (Hunting and fishing license fees) § 22-7-206 (Michie 1987) (Waterfowl and wildlife refuges) Acts 1943, No. 146 § 20 (Game and fish refuges)	§ 375 (West 1998)(Compact between AZ and CA for hunting rights) §2050 (West 1998)(Endangered Species General Provisions) §§ 3700-3706 (West 1998) (Migratory Bird Statute) §§ 29002 – 29501 (West 1996) (Suisun Marsh Preservation Chapters 1,2, and 5)* § 29705 (West 1996) (Delta Protection Act of 1992 – Wildlife habitats)

* This statute contains information on both "Wetlands and Migratory Waterfowl"

	ARKANSAS	CALIFORNIA
		§ 29760 (West Supp. 2000) (Delta Protection Act of 1992 – Long term resource management plan)

	COLORADO	CONNECTICUT
WETLANDS STATUTES		CONN. GEN. STAT. ANN.: § 7-131a (1999) (Conservation commissions) § 8-3c (Supp. 2000) (Zoning, housing, economic development – special permits) § 8-26 (Supp. 2000) (Zoning, housing, economic development – approval of subdivision involving wetlands) § 22a-27k (1995) (Long Island Sound account) §§ 22a-28 (1995) - 22a-45c (Supp. 2000) (Wetlands and watercourses)

	COLORADO	CONNECTICUT
		§§ 22a-91 (1995) - 22a-113a (1995) (Environmental protection – coastal management) § 22a-113o (1995) (Environmental protection -- harbor management) §§ 22a-349a (1995) - 22a-361 (1995) (Environmental protection – water resources – general permits) § 22a-363b (Supp. 2000) (Activities eligible for certificate of permission) § 22a-378a (1995) (Environmental protection – general permits for minor activities)

	COLORADO	CONNECTICUT
		§§ 22a-403 (Supp. 2000) - 22a – 411(1995)(Environmental protection – Dams and reservoirs – permits) § 22a – 477 (Supp. 2000) (Clean Water Fund) § 23-65k (1990) (Municipal regulation of forest practices) § 25-68d (1990) (Certification of activity affecting the floodplain) § 25-102ww (1990) (Applications affecting Shepaug and Bantam River) § 25-102xx (1990) (Model river protection ordinance) §§ 25-204 (1990) - 25-206 (1990) (River corridor protection plan)

	COLORADO	CONNECTICUT
		§§ 25-234 (1990) - 25-236 (1990) (Multiple use rivers – management plan) § 26-17a (1990) (Acquisition and preservation of tidal wetlands)
MIGRATORY BIRD STATUTES	COLO. REV. STAT.: § 33-1-115 (West 1998) (Migratory birds)	CONN. GEN. STAT. ANN.: § 26-27c (1990) (Reproduction of migratory bird stamp) § 26-48a (1990) (Management of migratory game birds) § 26-91 (1990) (Taking of migratory game birds)

	DELAWARE	DISTRICT OF COLUMBIA
WETLANDS STATUTES	DEL. CODE ANN. tit.: 7 § 4001 (1991) (Erosion and Sedimentation Control – legislative findings) 7 § 6036 (1991) (Environmental control – projects of state significance) 7 § 6601 (1991) - tit. 7 § 6620 (1991) (Wetlands Act) 7 § 7004 (Supp. 1998) (Coastal Zone Act – uses allowed by permit) 9 § 2656 (Supp. 1998) (Quality of Life Act – elements of plan) 9 § 4956 (Supp. 1998) (Quality of Life Act – elements of plan)	

	DELAWARE	DISTRICT OF COLUMBIA
	9 § 6956 (Supp. 1998) (Quality of Life Act – elements of plan)	
MIGRATORY BIRD STATUTES	DEL. CODE ANN. tit.: 7 § 707 (Supp. 1998) (Hunting or shooting from a motor vehicle) 7 § 717 (Supp. 1998) (Frightening or harassing migratory birds)	D.C. CODE ANN.: § 22 – 1628 (1996) (Game and fish Laws)

	FLORIDA	GEORGIA
WETLANDS STATUTES	FLA. STAT. ANN.: §163.3177 (West 2000) (Land development) § 163.3178 (West 2000) (Land development – coastal management) §187.201 (West 2000) (Planning & development – state comprehensive plan including preservation of wetlands) §253.36 (West 1999) (Title to reclaimed wetlands) §258.501 (West 1999) (Myakka river Wild & Scenic Designation Preservation Act) §338.250 (West Supp. 2000) (Central Florida Beltway mitigation)	GA. CODE ANN.: §12-2-8 (1996) (Protection of natural resources) §12-5-30 (1996) (Control of water pollution & surface-water use) §12-5-472 (1996) (Water supply)

	FLORIDA	GEORGIA
	§369.255 (West 2000) (Aquatic plant control) §369.305 (West 2000) (Wekiva River Protection) §369.307 (West 2000) (Wekiva River Protection) §373.4145 (West 2000) (Management and storage of surface waters) §373.421 (West 2000) (Management and storage of surface waters) §373.4211 (West 2000) (Management and storage of surface waters) §375.031 (West 2000) (Land acquisition and conservation)	

	FLORIDA	GEORGIA
	§376.121 (West 2000) (Pollutant Discharge Prevention & Removal) §380.0552 (West 2000) (Environmental land and water management) §380.061 (West 2000) (Florida Quality Developments Program) §403.061 (West 1998) (Pollution Control) §403.927 (West 1998) (Use of water in farming and forestry activities) §403.9328 (West 1998) (Alteration & trimming of mangroves) §403.9332 (West 1998) (Mitigation and enforcement)	

	FLORIDA	GEORGIA
MIGRATORY BIRD STATUTES	FLA. STAT. ANN.: §372.5712 (West 2000) (Waterfowl permit revenues) §372.5714 (West 2000) (Creation of waterfowl advisory Council)	GA. CODE ANN.: §27-1-6 (1997) (Game and Fish – powers and duties of department) §27-2-20 (Supp. 1999) (Federal Migratory Bird conservation stamp)

	HAWAII	IDAHO
WETLANDS STATUTES	HAW. REV. STAT. ANN.: § 174C-3 (Michie 1993) (Water and land development – definitions) §342E-1 (Michie 1993) (Nonpoint source pollution management & control – definitions)	IDAHO CODE: §39-7407 (1998) (Idaho Solid Waste Facilities Act – site certification)
MIGRATORY BIRD STATUTES		IDAHO CODE: §36-105 (Supp. 1999) (Fish & Game Commission orders) §36-201 (1994) (Classification of wildlife)

	ILLINOIS	INDIANA
WETLANDS STATUTES	20 ILL. COMP. STAT. ANN. 830/1-2 (West 1993) - 830/3-6 (West 1993) (Interagency Wetland Policy Act) 30 ILL. COMP. STAT. ANN. 150/3 (West 1993) (Natural Heritage Fund Act – purpose) 70 ILL. COMP. STAT. ANN.1832/20 (West Supp. 2000) (Mid-America Intermodal Authority Port District Act) 210 ILL. COMP. STAT. ANN. 95/2 (West 1993) (Campground Licensing & Recreational Act) 505 ILL. COMP. STAT. ANN. 35/1-3 (West 1993) (Illinois Conservation Enhancement Act)	IND. CODE ANN.: §14-12-2-1 (West 1998) (Indiana Heritage Trust Program – purpose) §14-12-2-4 (West 1998) (Indiana Heritage Trust Program – "project" defined) §14-26-2-16 (West 1998) (Lake preservation – applicability to water supply reservoirs) §14-30-2-22 (West 1998) (Maumee River Basin Commission – powers pertaining to property)

	ILLINOIS	INDIANA
	520 ILL. COMP. STAT. ANN. 25/10 (West Supp. 2000) (Habitat Endowment Act) 525 ILL. COMP. STAT. ANN. 33/5 (West Supp. 2000) (Illinois Open Land Trust Act) 525 ILL. COMP. STAT. ANN. 33/10 (West Supp. 2000) (Illinois Open Land Act – definitions) 525 ILL. COMP. STAT. ANN. 35/14 (Natural Areas Acquisition Fund)	
MIGRATORY BIRD STATUTES	5 ILL. COMP. STAT. ANN. 580/ 1 (West 1993) (Consent for acquisition of land) 30 ILL. COMP. STAT. ANN. 105/5.151. (West 1993) (State Migratory Waterfowl Stamp Fund)	IND. CODE ANN.: §14-8-2-162 (West 1998) (Natural & cultural resources – definitions) §14-22-6-2 (West 1998) (Regulation of migratory birds)

	ILLINOIS	INDIANA
	515 ILL. COMP. STAT. ANN. 5/1-230 (West 1993) (Wildlife & Fish Fund) 520 ILL. COMP. STAT. ANN. 5/1.3 (West 1993) (Authority to regulate the taking of wildlife) 520 ILL. COMP. STAT. ANN. 5/1.28 (West 1993) (Migratory Waterfowl Stamp Fund) 520 ILL. COMP. STAT. ANN. 5/1.29 (West 1993) (Migratory Waterfowl Stamp Fund) 520 ILL. COMP. STAT. ANN. 5/2.4 (West 1993) (Birds of prey) 520 ILL. COMP. STAT. ANN. 5/2.18-1 (West 1993) (Migratory Game Birds)	§14-22-6-3 (West 1998) (Migratory birds – permit or license required) §14-22-7-1 (West 1998) (Migratory waterfowl defined) §§ 14-22-7-2 (West 1998) - 14-22-7-5 (West 1998) (Migratory waterfowl stamp) §14-22-33-1 (West 1998) (Migratory birds – effect of federal laws)

	ILLINOIS	INDIANA
	520 ILL. COMP. STAT. ANN. 5/2.19 (West 1993) (Migratory waterfowl – protective regulations) 520 ILL. COMP. STAT. ANN. 5/2.33 (West 1993) (Game protective regulations) 520 ILL. COMP. STAT. ANN. 5/3.. - 5/3.2 (West Supp. 2000) (Licenses and Permits required for the taking of migratory waterfowl) 520 ILL. COMP. STAT. ANN. 5/3.6 (West 1993) - 5/3.8 (West Supp. 2000) (Migratory waterfowl hunting area permits)	

	IOWA	KANSAS
WETLANDS STATUTES	IOWA CODE ANN.: §§ 314.23 - 314.24 (West 1997) (Environmental protection of wetlands during highway construction or maintenance) §352.1 (West 1994) (County Land Preservation & Use Commissions – purpose) §352.4 (West 1994) (County Land Preservation & Use Commissions – county inventories) §352.5 (West 1994) (County Land preservation and use plan)	KAN. STAT. ANN.: §32-807 (1993) (Dept. of Wildlife & Parks – organization & powers) §32-839 (1998) (Steve Lloyd Wetlands designation) §32-846 (1998) (Approval of agreement & lease for Milford lake wetlands)

	IOWA	KANSAS
	§455A.15 (West 1997) (Dept. of Natural Resources Resource Enhancement & Protection – legislative findings) §455B.448 (West 1997) (Solid waste disposal) §456B.1 (West 1997) (Definitions – wetlands) §456B.11 (West 1997) (Agriculture drainage wells –wetlands— conservation easements) §456B.12 (West 1997) (Inventory of protected wetlands) §456B.13 (West Supp. 2000) (Protection of wetlands) §456B.14 (West 1997) (Civil penalty for violating wetland protection statutes)	

	IOWA	KANSAS
MIGRATORY BIRD STATUTES	IOWA CODE ANN.: §481A.48 (West 1999) (Restrictions on hunting or killing game birds and animals) §481B.1 (West 1999) (Endangered plants & wildlife – definitions) §484A.1 (West 1999) (Migratory game bird – definition) §484A.2 (West 1999) (Migratory game bird fee) §484A.4 (West 1999) (Use of revenue from migratory game bird fees) §484A.5 (West 1999) (Migratory waterfowl project approval requirement)	KAN. STAT. ANN.: §32-939 (1993) (Migratory waterfowl habitat stamp) §32-989 (1993) (Service charge for migratory waterfowl habitat stamp) §32-993 (1993) (Migratory waterfowl propagation & protection fund) §32-1008 (1993) (Migratory birds – defined)

	IOWA	KANSAS
	§484A.6 (West 1999) (Penalty for violating migratory waterfowl provisions) §484B.4 (West Supp. 2000) (Hunting preserves)	

	KENTUCKY	LOUISIANA
WETLANDS STATUTES	KY. REV. STAT. ANN.: § 146.550 (Banks-Baldwin 1996) (Wetlands – definition) § 146.555 (Banks-Baldwin 1996) (Natural Resources & Environmental Protection Cabinet Heritage Land Conservation – legislative finding) § 146.565 (Banks-Baldwin 1996) (Acquisition of natural areas & wetlands) § 224.60-137 (Banks-Baldwin Supp. 1998) (Underground storage facilities)	LA. CONST. Art. 7, § 10.2 (Supp. 2000) (Wetlands Conservation & Restoration Fund) LA. REV. STAT. ANN.: § 30.25 (West Supp. 2000) (Closure of production pits in the wetlands) § 30:907 (West Supp. 2000) (Surface Mining & Reclamation Act) § 30:2073 (West 2000) (Louisiana Water Control Law – Definitions) § 30:2074 (West 2000) (Secretary of environmental quality – powers & duties)

	KENTUCKY	LOUISIANA
		§ 34:3103 (West Supp. 2000) (Offshore Terminal Authority – jurisdiction) § 34:3473 (West Supp. 2000) (Millennium Port Authority – jurisdiction) § 38:18 (West 1989) (Dept. of Public Works – conference with wildlife & fisheries commission) §§ 49:213.1 (West Supp. 2000) - 49:213.22 (West Supp. 2000) (Wetlands Conservation & Restoration Authority – creation, management, funding, etc.)

	KENTUCKY	LOUISIANA
		§§ 49:214.1 (West Supp. 2000) - 49:214.6 (West Supp. 2000) (Louisiana Coastal Wetlands Conservation & Restoration Program) §§ 49:214.21 (West Supp. 2000) - 49:214.42 (West Supp. 2000) (Louisiana Coastal Management Program) § 56:266 (West Supp. 2000) (Louisiana Fur & Alligator Public Education & Marketing Fund) §§ 56:281 (West Supp. 2000 - 56:284 (West Supp. 2000) (Nutria control cost-sharing) § 56:579.1 (West Supp. 2000) (Permitting of mariculture in the coastal zone)

	KENTUCKY	LOUISIANA
MIGRATORY BIRD STATUTES	KY. REV. STAT. ANN.: § 146.560 (Banks-Baldwin 1996) (Kentucky Heritage Land Conservation Fund Board) § 150.330 (Banks-Baldwin 1996) (Migratory birds; waterfowl) § 150.340 (Banks-Baldwin 1996) (Limit on possession – migratory birds) § 150.600 (Banks-Baldwin 1996) (Taking of waterfowl – permits & fees) § 150.603 (Banks-Baldwin 1996) (Waterfowl or migratory game bird permit required)	LA. REV. STAT. ANN.: § 47:305.43 (West Supp. 2000) (Exemptions on taxes for nonprofit organizations dedicated to the conservation of migratory waterfowl) § 56:8 (West Supp. 2000) (Wildlife & Fisheries Commission – Definitions) § 56:10 (West Supp. 2000) (Wildlife & Fisheries Commission – annual report to governor) § 6:118 (West Supp. 2000) (Migratory game bird violations) §§ 56:150 (West Supp. 2000) - 56:156 (West Supp. 2000) (Louisiana Duck Stamp Program)

	MAINE	MARYLAND
WETLANDS STATUTES	ME. REV. STAT. ANN. tit.: 12 § 685-B (West Supp. 1999) (Maine Land Use Regulation Commission) 12 § 4751 - 12 § 4758 (West 1994) (Wetlands – zoning) 12 § 6022 (Marine Resources – Dept. Administration – commissioner's appointment, duties & powers) 12 § 8876-A (West Supp. 1999) (Forest Resource Assessment Program) 30-A § 4312 (West 1996) (Growth Management Program) 38 § 419-B (West Supp. 1999) (Pollution control)	MD. CODE ANN., [Environment]: §§ 5-901 (1996) - 5-908 (1996) (Nontidal Wetlands) §§ 5-909 (Supp. 1999) - 5-910 (Supp. 1999) (Nontidal Wetlands) § 5-911 (1996) (Nontidal wetlands) §§ 16-101 - 16- 503 (1996) (Wetlands & Riparian Rights) §§ 16-104, 16-202, 16-205, 16-307 (Supp. 1999) (Wetlands & Riparian Rights) MD. CODE ANN., [Natural Resources]: § 3-306 (Supp. 1999) (Power Plant Research Program)

	MAINE	MARYLAND
	38 § 435 (West Supp. 1999) (Mandatory Shoreland Zoning) 38 § 436-A (West Supp. 1999) (Mandatory Shoreland Zoning) 38 § 439-A (West Supp. 1999) (Mandatory Shoreland Zoning) 38 § 480-A (West 1989) - 38 § 480-Z (West Supp. 1999) (Environmental Protection Board – Protection of Natural Resources) 38 § 636 (West Supp. 1999) (Permits for hydropower projects) 38 § 840 (West Supp. 1999) (Dam registration & abandonment) 38 § 951 (West Supp. 1999) - 38 § 963 (West 1989) (Saco River Corridor)	§ 5-1217 (1997) (Acceptance of gifts of land or wetlands) §§ 5-1502 (1997) - 5-1504 (1997) (Heritage Conservation Fund) § 8-404 (1990) (Scenic & Wild Rivers Review Board & Related Program) §§ 8-1201 (1990) - 8-1210 (1990) (Nontidal Wetlands – legislative findings, goal of statewide program established, etc.) §§ 8-1807 (Supp. 1999) - 8-1808.7 (Supp. 1999) (Chesapeake bay Critical Area Protection Program)

	MAINE	MARYLAND
	38 § 1901 (West 1989) (Coastal Barrier Resources System – findings & declaration of policy) 38 § 2001 (West Supp. 1999) (Coastal & lake watershed districts – districts authorized) 38 § 2007 (West Supp. 1999) (Coastal & lake watershed districts – powers)	
MIGRATORY BIRD STATUTES	ME. REV. STAT. ANN. tit.: 12 § 753 (West 1994) (State consent to the U.S. to acquire national forests) 12 § 7001 (West Supp. 1999) (Inland Fisheries & Wildlife – definitions) 12 § 7109 (West Supp. 1999) (Migratory waterfowl permit)	MD. CODE ANN., [Natural Resources]: § 10-308.1 (Supp. 1999) (Migratory waterfowl stamp) § 10-402 (Supp. 1999) (Hunting & taking nests & eggs of wild and migratory birds)

	MAINE	MARYLAND
	12 § 7407 (West 1994) (Migratory waterfowl hunting)	§ 10-407 (Supp. 1999) (Open season for wetland game birds, wild waterfowl, and other migratory birds regulated by federal rule)

	MASSACHUSETTS	
WETLANDS STATUTES	MASS. GEN. LAWS ANN.: ch. 12, § 11D (West 1996) (Creation of division of environmental protection in the dept. of the attorney general) ch. 21A, § 2 (West 1994) (Executive Office of Environmental Affairs – duties & functions) ch. 21C, § 7 (West Supp. 2000) (Massachusetts Hazardous Waste Management Act) ch. 30, § 61 (West Supp. 2000) (Environmental impact of projects conducted by agencies) ch. 40, § 8C (West 1999) (Powers of cities to create conservation commissions)	

	MASSACHUSETTS	
	ch. 78A, § 3 (West 1996) (Youth Conservation & Service Corps – activities include wetlands protection) ch. 92, § 107A (West Supp. 2000) (Degradation of watershed) ch. 111, § 150A ½ (West Supp. 2000) (Standards & criteria for siting of facilities) ch. 130, § 105 (West Supp. 2000) (Protection of coastal wetlands) ch. 131, § 40 (West Supp. 2000) (Removal, fill, dredging or altering of land bordering waters) ch. 131, § 40A (West 1991) (Protection of inland wetlands)	

	MASSACHUSETTS	
	ch. 164, § 69J ¼ (West Supp. 2000) (Petitions to construct generating facilities – wetlands impact) ch. 214 § 7A (Damage to environment – remedy & procedure)	
MIGRATORY BIRD STATUTES		

	MICHIGAN	MINNESOTA
WETLAND STATUTES	MICH. COMP. LAWS. ANN: §§ 324.30104 – 324.30323 (West 1999) (Habitat Protection, Inland Waters – Wetland Protection) § 324.60904 (West 1999) (Land resource inventory; format; contents; wetland protection)	2000 Minn. Sess. Law Serv. Ch. 382 (West) (Natural Resources – Wetland Regulation) 1995 Minn Laws § 84.0895 (Supp. 2000)(Department of Natural Resources – Protection of threatened and endangered species) 1997 Minn Laws § 97A.145 (Wetlands for wildlife) 1997 Minn Laws § 103F.601 (Waterbank Program) 1997 Minn Laws § 103A.202 (Wetland Policy) 1997 Minn. Laws § 103B.3355 (Wetland functions for determining public values)

	MICHIGAN	MINNESOTA
		1997 Minn Laws §§ 103F.511, 103F. 516, 103F.535 (Reinvest in Minnesota Resources Act – Wetland Provisions) 1997 Minn. Laws §§103F.612 – 103F.616 (Wetland Preservation Areas.) 1997 Minn Laws §§ 103F.901-103F. 905 (Wetland Establishment and Restoration Program) 1997 Minn Laws §§ 103G.221 – 103G.237 (Waters of the State – Wetlands) 1999 Minn Laws § 275.295 (Taxes – Wetlands exemption) 1999 Minn Laws § 282.018 (Forfeited Land Sales Prohibited or Limited Sales – Wetlands)

	MICHIGAN	MINNESOTA
MIGRATORY BIRD STATUTES	MICH. COMP. LAWS. ANN: § 324.36501 (West 1999) (Endangered Species Protection – Definitions) § 324.43525 (West 1999) (Waterfowl hunting license)	

	MISSISSIPPI	MISSOURI
WETLANDS STATUTES	2000 MISS. LAWS. Ch. 516 (Coastal Wetland Protection Act) MISS CODE ANN: §§ 49-27-13 – 49-27-67 (1999) (Coastal Wetland Protection Act) § 17-17-151 (1999) (Hazardous Waste Management Facility – Application for permit) § 17-17-229 (1999) (Nonhazardous Solid Waste Planning Act of 1991) § 29-15-1 (1999) (Public Trust Tidelands) § 29-15-5 (1999) (Littoral and riparian rights) § 49-15-9 (1999) (Seafood – Riparian Rights)	MO. ANN. STAT. § 21.475 (1969) (Wetland committee created) § 644.037 (2000) (Nationwide permit – certification without conditions of application to impacts on wetlands)

	MISSISSIPPI	MISSOURI
	§ 49-15-301 (1999) (Mississippi Commission on Marine Resources) § 57-15-5 (1999) (Marine Resources – General Policies and Functions)	
MIGRATORY BIRDS STATUTES	MISS CODE ANN.: § 49-7-1 (1999) (Hunting and Fishing – Definitions)	MO. ANN. STAT.: § 252.244 (Supp. 2000) (Wild game – preparation and service)

	MONTANA	NEBRASKA
WETLANDS STATUTES	MONT. CODE ANN.: § 2-15-3405 (1999) (Appointment of wetlands advisory council)	NEB. REV. STAT.: § 39-1320 (1998) (State highways) 2000 Neb. Laws 957
MIGRATORY BIRD STATUTES	MONT. CODE ANN.: § 87-1-305 (1999) (Fish & game refuges)	NEB. REV. STAT.: § 37-229 (Supp. 1999) (Game birds – defined) § 37-233.01 (Supp. 1999) (Migratory waterfowl defined) § 37-902 (1998) (Migratory bird reservations)

	NEVADA	
WETLANDS STATUTES	NEV. REV. STAT.: § 244.388 (Supp. 1999) (Establishment, use & operation of wetlands mitigation bank)	
MIGRATORY BIRD STATUTES	NEV. REV. STAT.: § 503.584 (1995) (Conservation, protection, & propagation of selected species – legislative findings) § 328.195 (Supp. 1999) (Conditions for state consent to federal acquisition of land for wildlife refuge) § 503.620 (1995) (Protection of birds included in Migratory Bird Treaty Act)	

	NEW HAMPSHIRE	NEW JERSEY
WETLANDS STATUTES	N.H. REV. STAT. ANN.: § 21-0:5-a (Supp. 1999)(Wetlands Council) § 21-0:14 (Supp. 1999) (Environmental services – Administrative Appeals) § 79-A:2 (1991) (Taxation – definitions) § 310-A:76 (1995) (Certified wetland scientist) §§ 482-A:1 (Supp. 1999) – 482-A: 27 (Supp. 1999)(Fill and Dredge in Wetlands Act) § 483:10 (1992)(Rivers Corridor Management Plans)	1987 N.J. LAWS 2A:35A-3 (Environmental Rights) 1998 N.J. LAWS 4:27-12 (Aquaculture development – freshwater wetlands) 1998 N.J. LAWS 4:27-13 (Aquaculture development – coastal wetlands) 1991 N.J. LAWS 13:1D-29 (Construction permits - definitions) 2000 supp. N.J. LAWS 13:1D-101 (Permit application checklist; permit defined)

	NEW HAMPSHIRE	NEW JERSEY
	§ 483-A:7 (1992)(Lakes Management and Protection Plans) § 483-B:2 (1992)(Comprehensive Shoreland Protection Act) § 485-A:29 (Supp. 1999)(Water Pollution and Waste Disposal – sewage disposal system)	2000 supp. N.J. LAWS 13:1D-120 (Permit application review – Legislative findings and declarations) 2000 supp. N.J. LAWS 13:1D-121 (Permit application review – definitions) 2000 supp. N.J. LAWS 13:1D-126 (Department of Environmental protection – Enforcement of certain violations – definitions) 2000 supp. N.J. LAWS 13:1D-129 (Department of Environmental protection – Enforcement of certain violations – Rules and Regulations)

	NEW HAMPSHIRE	NEW JERSEY
		1991 N.J.LAWS 13:1E-57 (Solid waste management) 2000 supp. N.J.LAWS 13:8C-24 (Garden State Preservation Trust) 1991 N.J.LAWS 13:19-19 (Coastal Protection – Application of Wetlands Act) 2000 supp. N.J. LAWS 13:9C-1 – 13-9C:4 (Wetlands Mitigation Council) 1991 N.J. LAWS 13:9A-1 – 13:9A-10 (Coastal Wetlands Protection Act) 1991 N.J.LAWS 13:9B-1 – 13:9B-30 (Freshwater Wetlands Protection Act)

	NEW HAMPSHIRE	NEW JERSEY
		2000 supp. N.J.LAWS 40:55D-132 (Extension of permits – Definitions) 2000 supp. N.J.LAWS 40:55D-134 (Extension of permits – extension of project exemptions – freshwater wetlands) 1992 N.J.LAWS 58:16A-60 (Flood hazard areas, inapplicability to lands regulated by Wetlands Act of 1970)
MIGRATORY BIRD STATUTES	N.H. REV. STAT. ANN.: § 207:1 (1989) (Fish and Game Commission – Definitions) § 209:6 (1989)(Federal Duck Stamp Required) § 209:6-b (1989)(Rules Relative to Migratory Birds)	1998 N.J.LAWS 4:27-11(Prevention of predation at aquaculture sites by endangered and nongame species) 2000 supp. N.J.LAWS 23:3-1g (Fee for hunting migratory birds)

	NEW HAMPSHIRE	NEW JERSEY
	§ 209:8-a(1989)(Game Birds –Exceptions) § 214:1-d (Supp. 1999)(Licenses) § 214:9 (Supp. 1999)(Licenses – fees)	1997 N.J.LAWS 23:3-75 – 23:3-81 (New Jersey Waterfowl Stamp Act) 1997 N.J.LAWS 23:4-1 (Open and close seasons) 1997 N.J.LAWS 23:4-3 (Bag limit for migratory birds) 1997 N.J.LAWS 23:4-18 (Hunting migratory waterfowl)

	NEW MEXICO	NEW YORK
WETLANDS STATUTES	1978 N.M. LAWS § 75-8-2 (Wetlands Area Restoration)	NY ENVIR. CONSERV.: § 3-0301 (McKinney 1997) (Department of Environmental Conservation) §§ 24-0101 – 24-1305 (McKinney 1997)(Freshwater Wetlands Act) §§ 25-0101 – 25-0601 (McKinney 1997) (Tidal Wetlands Act) § 47-0107 (McKinney 1997) (County and regional environmental management councils) § 49-0205 (McKinney 1997) (State Land Acquisition)

	NEW MEXICO	NEW YORK
		§ 51-0701 (McKinney 1997) (Land Preservation and improvement project – allocation of moneys) § 51-0705 (McKinney 1997) (Land Preservation and improvement project – approval and execution of state projects) § 51-0709 (McKinney 1997) (Land Preservation and improvement project – Approval of municipal wetlands restoration projects) § 51-0711 (McKinney 1997) (Land Preservation and improvement project – Contracts for municipal wetlands restoration projects)

	NEW MEXICO	NEW YORK
		§ 51-0713 (McKinney 1997) (Land Preservation and improvement project – Restriction of alienation of wetlands) § 52-0101 (McKinney 1997) (Environmental Quality Bond Act – Definitions) § 56-0101 (McKinney Supp. 2000) (Clean water/Clean air Bond Act of 1996) § 70-0107 (McKinney 1997) (Environmental Conservation Law – Uniform Procedures) § 70-0117 (McKinney 1997) (Environmental Conservation – special provisions) § 70-2303 (McKinney 1997) (Environmental Conservation Law – Violation – penalties)

	NEW MEXICO	NEW YORK
		§ 70-2307 (McKinney 1997) (Environmental Conservation Law – Abatement of pollution) § 71-2507 (McKinney 1997) (Pollution of Tidal Wetlands)
MIGRATORY BIRD STATUTES	1978 N.M. LAWS § 17-1-14 (General powers and duties of state game commission)	NY ENVIR. CONSERV. § 11-0307 (McKinney 1997) (Migratory game birds – regulation)

	NORTH CAROLINA	NORTH DAKOTA
WETLAND STATUTES	N.C CONST Art.14 § 5 (1973)(Conservation of natural resources) N.C. GEN STAT.: §113-230 (1999) (Orders to control activities in coastal wetlands) § 113A-113 (1999)(Areas of Environmental concern) § 113A-120 (1999)(Grant or denial of permits) §§ 143-214.8 – 143-214.13 (1999) (Wetlands Restoration Program)	N.D.CENT. CODE: § 20.1-02-17.1 (Supp. 1999) (Procedures and conditions for land acquisition for wildlife and fish restoration) §§ 61-32-01 – 61-32-06 (1995) (Wetlands Act) § 61-32-07 (Supp. 1999) (Wetlands Act) § 61-32-08 - 61-32-10 (1995) (Wetlands Act)
MIGRATORY BIRD STATUTES	N.C. GEN STAT.: § 113-129 (1999)(Wildlife resources – Definitions) § 113-270.2 (1999) (Hunting licenses)	N.D.CENT. CODE: § 20.1-03-25 (1991) (Hunting by nonresidents)

	NORTH CAROLINA	NORTH DAKOTA
	§ 113-270.2B (1999) (Voluntary migratory waterfowl conservation print) § 113-270.3 (1999) (Special activity licenses; big game kill reports) § 113-291.1 (1999)(Manner of taking wild animals and wild birds)	

	OHIO	OKLAHOMA
WETLANDS STATUTES	OHIO REV.CODE ANN.: § 1533.101 (Supp. 1999) (Reissued licenses and permit fees) §1533.112 (Supp. 1999) (Wetlands Habitat Stamps)	OKLA. STAT.: 2 § 9-205.3 (Supp. 2000) (Oklahoma Concentrated Animal Feeding Operations Act) 27A § 3-2-108 (1997) (Wetlands management strategy) 80 § 1 (1995)(State's consent to acquisition of lands by the United States)
MIGRATORY BIRD STATUTES	OHIO REV.CODE ANN.: § 1531.021 (Supp. 1991) (Sunday hunting prohibited) § 1533.101 (Supp. 1991) (Reissued licenses and permit fees)	OKLA. STAT.: 29§ 5-406 (1991) (Protected Game – Migratory Birds)

	OREGON	PENNSYLVANIA
WETLAND STATUTES	OR. REV. STAT.: § 196.600 (Supp. 1990) (Wetlands and rivers – definitions) §§ 196.605 – 196.660 (Supp. 1990) (Wetlands Mitigation Banks) §§ 196.668 – 196.687 (Supp. 1990) (Wetland conservation plans) § 197.279 (Supp. 1990) (Approved wetland conservation plans) § 215.418 (Supp. 1990) (Approval of development on wetlands) §§ 537.015 – 537.022 (1999) (Registration of water for wetland, stream or riparian restoration or storm water management)	2000 supp. PA CODE § 4212 (Aquacultural development – wetlands)

	OREGON	PENNSYLVANIA
MIGRATORY BIRD STATUTES		1997 PA CODE § 2103 (Game or wildlife protection)

	RHODE ISLAND	SOUTH CAROLINA
WETLAND STATUTES	R.I GEN. LAWS: §§ 2-1-18 – 2-1-24 (1998) (Fresh Water Wetlands) § 23-27.3-600 (1997) (State building code – fresh water wetlands)	S.C. CODE ANN: § 47-20-10 (Supp. 1999) (Confined Swine Feeding Operations – Definitions) §§ 48-39-10 – 48-39-355 (Supp. 1999) (Environmental protection and conservation – Coastal tidelands and wetlands)

	RHODE ISLAND	SOUTH CAROLINA
MIGRATORY BIRD STATUTES	R.I. GEN LAWS: § 20-2-34 (1998) (Fish and wildlife – licensing – definitions) § 20-2-35 (1998) (Fish and wildlife – licensing – Waterfowl stamp required)	S.C. CODE ANN: §1-30-75 (Supp. 1999) (Department of natural resources) § 50-9-510 (Supp. 1999) (licenses authorized for sale) § 50-9-530 (Supp. 1999) (Migratory waterfowl stamps; fees) § 50-11-20 (Supp. 1999) (Definitions; migratory waterfowl committee)

	SOUTH DAKOTA	TENNESSEE
WETLANDS STATUTES	S.D CODIFIED LAWS § 1-41-3.2 (Michie Supp. 2000)(Office of agricultural policy created)	TENN.CODE ANN.: §§ 11-14-401 (1999) – 11-14-407 (1999)(Natural Areas Protection Fund – wetlands)
MIGRATORY BIRD STATUTES	S.D CODIFIED LAWS § 41-1-1(Michie Supp. 2000)(Game, fish, parks and forestry – definitions and general provisions) § 41-3-6 (Michie 1991)(Assent to federal acquisition of property for migratory bird conservation)	TENN.CODE ANN.: § 70-5-111 (1995) (Federal wildlife refuges in the state)

	TEXAS	UTAH
WETLANDS STATUTES	TEX. HEALTH & SAFETY CODE ANN.: § 361.099 (West 1992) (Prohibition on permit for Hazardous Waste Management Unit in Wetlands) TEX NAT. RES. CODE ANN.: § 33.203 (West 2000 supp.) (Management of coastal public land – definitions) §§ 33.231 – 33.237 (West 2000 supp.) (Coastal Wetlands Acquisition Act) §§ 221.001 – 221.044 (West 2000 supp.) (Wetland mitigation)	

	TEXAS	UTAH
	TEX PARKS & WILD. CODE §§ 14.001 – 14.002 (West 2000 supp.) (Parks and wildlife department powers and duties concerning wetlands) TEX. WATER CODE §§ 11.501 – 11-506 (West 2000) (Wetlands Act)	
MIGRATORY BIRD STATUTES	TEX PARKS & WILD. CODE § 41.003 (West 1991) (Reciprocal License Agreements: Border States) § 43.154 (West 1991) (Hunting and fishing licenses – permits to control wildlife protected by this code)	UTAH CODE ANN.: § 23-21-6 (1998)(Acquisition of lands by the United States for migratory bird refuges)

	VERMONT	VIRGINIA
WETLANDS STATUTES	VT STATE ANN. tit. 10 § 902 (1998) (Soil and Water Conservation, Flood Control – Definitions) § 905b (Supp. 1999) (Soil and Water Conservation, Water Resource Management – Department of Environmental Conservation – Duties; Powers) § 1272 (1998) (Water Pollution Control – Regulation of activities causing discharge or affecting significant wetlands) VT STATE ANN. tit. 24 § 4303 (Supp. 1999) (Municipal and Regional Planning and Development – General Provisions; Definitions)	VA CODE ANN.: §§ 28.2-1300 – 28.2-1320 (Michie 1997) (Wetlands Act) § 33.1-223.2:1 (Michie 1996) (Wetlands mitigation banking) § 58.1-3666 (Michie Supp. 1998) (Wetlands and riparian buffers)

	VERMONT	VIRGINIA
MIGRATORY BIRD STATUTES	VT STATE ANN. tit. 10 § 1424a (1998)(Soil and Water Conservation; Flood Control – Outstanding resource waters) § 4277 (1997) (Fish and Wildlife Conservation – Migratory Waterfowl stamp program)	VA CODE ANN.: § 29.1-340 (Michie 1997) (Hunting waterfowl from unlicensed blinds and without season license) § 29.1-349 (Michie 1997) (Hunting, erecting blind within 500 yards of licensed blind) § 29.1-350 (Michie 1997) (Exemption from application of article)

	WASHINGTON	WEST VIRGINIA
WETLAND STATUTES	WASH. REV. CODE ANN.: § 90.84.005 (Supp. 2000) (Findings—purpose—intent of wetlands mitigation statute) § 90.84.010 (Supp. 2000) (Definitions) § 90.84.020 (Supp. 2000) (Authority for regulating) § 90.84.030 (Supp. 2000) (Submission of proposed rules to legislative committees) § 90.84.040 (Supp. 2000) (Certification of banks) § 90.84.050 (Supp. 2000) (Approval of use of credits by the departments)	W.VA. CODE : § 22-11-3 (1998) (Water Pollution Control Act – Definitions)

	WASHINGTON	WEST VIRGINIA
	§ 90.84.060 (Supp. 2000) (Interpretation of chapter) § 90.84.070 (Supp. 2000) (Application to public and private mitigation banks) § 90.84.900 (Supp. 2000) (Severability) § 36.32.570 (1991) (Conservation area acquisition and maintenance) § 47.12.3330 (Supp. 2000) (Advanced environmental mitigation) § 76.09.350 (Supp. 2000) (Multispecies landscape management plans) § 79A.05.775 (Supp. 2000) (Preservation of river wetlands)	

	WASHINGTON	WEST VIRGINIA
	§ 90.46.010 (Supp. 2000) (Definitions) § 90.46.044 (Supp. 2000) (Standards, procedures, and guidelines for discharge to wetlands) § 90.46.090 (Supp. 2000) (Use of reclaimed water into wetlands) § 90.74.030 (Supp. 2000) (Regulatory decisions)	

	WASHINGTON	WEST VIRGINIA
MIGRATORY BIRDS STATUTES	WASH. REV. CODE ANN.: § 77.08.045 (Supp. 2000) (Defines migratory waterfowl)	W.VA. CODE : § 20-1-2 (Supp. 1999) (Definitions) § 20-2-63 (1996)(Migratory waterfowl stamp) § 20-2B-9 (Supp. 1999) (Conservation stamp; purposes)

	WISCONSIN	WYOMING
WETLAND STATUTES	2000 Wisc. Legis. Serv. Act 147 (West 1999) (Wetlands Act) WISC. STAT.: § 1.13 (Supp. 2000) (Land Use and Planning activities) § 61.351 (2000) (Villages – Zoning of wetlands in shorelands) § 62.231 (2000) (Cities – Zoning of wetlands in shorelands) § 66.0295 (2000) (Comprehensive Planning) § 281.165 (Supp. 2000) (Compliance with water quality standards for wetlands)	Wyo. Stat. Ann.: § 35-11-308 - 35-11-311 (1999) (Wetlands Act) § 35-11-103 (Supp. 2000) (Definitions)

	WISCONSIN	WYOMING
	§ 281.22 (1999) (Fees for water quality determinations for wetlands)	
MIGRATORY BIRD STATUTES	WISC. STAT: § 29.364 (Supp. 2000) (Definition of migratory birds)	